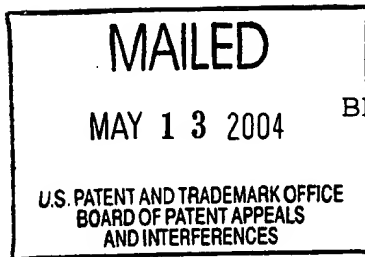


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT H. SHELTON

Application No. 09/025,279

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on July 23, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On August 13, 2003, the Board mailed an Order Returning Undocketed Appeal (hereinafter the "Order") wherein the Board notified the examiner that claims 75 and 76 contained errors. On March 22, 2004, the attorney for appellant filed a "Response to Order . . . Returning Undocketed Appeal" (Paper No. 30). The attorney states on page 1 of his response that the "record had been checked and that the listing of claims was correct as set forth in the 'Request for Reinstatement of the Appeal of 29 November, 2001.'" A careful review of the record reveals that

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while the Board inadvertently erred in its Order (Paper No. 28) by stating that claims 75 and 76 were to depend from "claim 42," appellant also errs by stating that claims 75 and 76 depend from "claim 74." According to appellant's amendment filed on September 8, 2000 (Paper No. 15), claims 75 and 76 are shown to depend from claim 72 and not claim 74, as shown in the Appendix of Claims. Therefore, appellant's Appendix of Claims is not correct according to the amendment filed on September 8, 2000 (Paper No. 15).

Accordingly, it is

ORDERED that the application is returned to the ~~examiner~~ for notifying appellant to submit a corrected Appendix to the Brief in accordance with appellant's latest amendment (Paper No. 15), and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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